

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

U.S.A. vs. John Maurice Brooks

Docket No. 2:05-CR-3-1BO

Petition for Action on Supervised Release

COMES NOW Maurice J. Foy, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John Maurice Brooks, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on October 17, 2005, to the custody of the Bureau of Prisons for a term of 92 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

John Maurice Brooks was released from custody on July 28, 2011, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On August 1, 2011, the defendant tested positive for marijuana and later signed an Admission Form indicating that he used marijuana again on May 18, 2012. The court was notified of both incidents and Mr. Brooks was placed in substance abuse treatment, continued in the Surprise Urinalyses Program, and referred for HOPE Court (Drug/Reentry Court). On June 7, 2012, the defendant reported for his first HOPE Court session. He made good progress in HOPE Court, however, on August 2, 2012, the defendant withdrew from HOPE due to securing better employment that interfered with program participation.

On October 23, 2012, the defendant informed the probation officer that he was returning to his old job and asked to come back into HOPE Court. His case was presented to the HOPE Team on October 25, 2012, and he was accepted back into the program however, on October 12, 2012, and November 1, 2012, (prior to re-entering HOPE), the defendant tested positive for cocaine. To address his non-compliance and to deter future drug use, the probation office is asking that he be continued in substance abuse treatment, the Surprise Urinalysis Program, HOPE Court, and that he complete a 90-day term of home detention. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8660
Executed On: November 9, 2012

ORDER OF COURT

Considered and ordered this 11 day of November, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge